

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**UNITED STATES**

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**No. 19-CR-567**

**Hon. Judge Leinenweber**

**ROBERT KELLY, *et. al.*,**

**DEFENDANT’S MOTION FOR THE *IMMEDIATE*  
PRODUCTION OF ALL FAVORABLE EVIDENCE**

Defendant, Mr. Kelly, by and through his undersigned counsel, respectfully requests that this Court enter an Order requiring the Government to **immediately** disclose and produce any all previously undisclosed evidence or information known to the Government or in its possession, custody, or control, the existence of which is known or by the exercise of reasonable diligence may become known, that is favorable to Mr. Kelly and any of his co-Defendants, and is material in any way to any of the issues relating to Defendant’s guilt or innocence, or which bears upon the credibility of any Government witness who might testify at trial, and states as follows:

1. The information and documents referenced above specifically include, but are not limited to the following:

Any and all grants of immunity, favors, or promises of any kind, made to any witness in connection with obtaining his or her testimony or assistance. This includes any plea agreement entered into between the Government and the witness, as a result of which the witness is testifying against any Defendant in this case, or on behalf of the Government at any other trial, grand jury or other proceedings, or is otherwise furnishing information to the Government.

Any assistance, financial or otherwise, provided by any attorney or agent of the Government to any witness for any reason, including assistance with local or federal law enforcement agencies, or any other agency of federal, state or local government.

The criminal identification and history sheet of each potential Government witness.

Any criminal charges pending against any potential Government witness which have not been disposed of either by conviction or acquittal.

Any criminal activity in which a potential Government witness has engaged which has not resulted in prosecution or conviction.

All mental, psychiatric, or drug abuse and dependency records of any individual who may be called as witnesses as trial, including all documents that relate to any such individual's ability to be truthful, forthright and honest as a witness and to know, hear, see, tell and relate facts which occur in their presence.

All evidence of any payment or reimbursement provided to or for any witness or potential witness.

All e-mails, texts, messaging, and correspondence with any witness who might be called to testify at trial, *or with* any such individual's attorney, family members, associates, or representatives.

2. Defendant and his counsel believe this Motion regarding favorable evidence, in this specificity, is necessitated - even if the Government has already generically indicated an intent and obligation to produce the materials that are the subject of this Motion - in light of the on-going nature of the Government's investigation and in light of the Government's proclivity to produce these materials on the eve of trial.

**WHEREFORE**, Defendant, Mr. Kelly, prays for the entry of an Order requiring the Government to disclose **immediately** any previously undisclosed evidence or information known to the Government, or in its possession, custody, or control, the existence of which is known or by the exercise of reasonable diligence may become known, that is favorable in any respect to the Defendant or his co-Defendants, and which is material in any way to the issues of Defendant's guilt or innocence, including but not limited to as described above, and for such other and further relief as is appropriate under the circumstances.

**RESPECTFULLY SUBMITTED:**

By: s/ Michael I. Leonard  
Counsel for Defendant Kelly

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**CERTIFICATE OF SERVICE**

The undersigned states that on February 3, 2020, he caused the above to be served on all counsel of record by way of ECF filing it.

**RESPECTFULLY SUBMITTED,**

By: s/Michael Leonard  
Counsel for Defendant Kelly